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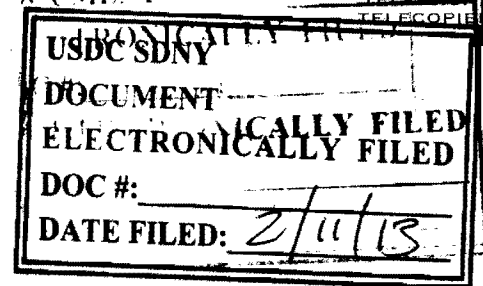
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February 7, 2013



VIA BY HAND DELIVERY

Honorable J. Paul Oetken
United States District Judge
United States Courthouse
500 Pearl Street, Room 620
New York, New York 10007-1312

APPLICATION GRANTED:

HON. J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE

2/11/13

RE: Fireman's Fund Insurance Company, et al.
v. Great American Insurance company of New York, et al.
Civil Action: 10-cv-01653
Our File: 42000055 JAVN/RAN

Dear Honorable Sir:

This firm represents the plaintiffs in the above-referenced matter. We respectfully request leave to file opposition to defendant Great American Insurance Company's Response to the Court's Order to Show Cause regarding subject matter jurisdiction (Docket No. 215).

Defendant Great American contends that the subject insurance policy covering the dry dock is a marine insurance policy. However, the case law establishes that the insurance covering the subject dry dock is not marine insurance, particularly where, as here, the underlying liability arises solely out of state law. Specifically, the insured's underlying liability arises under Texas state law, i.e., the order for the removal of the dry dock from the Texas General Land Office.

Moreover, the subject policy is not a single, indivisible policy but is severable as to each scheduled vessel or dry dock, including separate premiums and limits of liability for each vessel. Accordingly, the plaintiffs respectfully request permission to file opposition to Great American's contention that the subject policy is a marine insurance policy.

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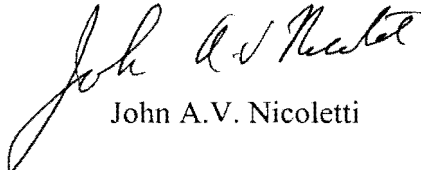
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We thank the Court for its consideration of this matter.

Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By:



John A.V. Nicoletti

JAVN/VW/rf

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